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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,877	11/12/2003	Richard A. Schumacher	200300512-1	2306

22879 7590 06/10/2004

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FORT COLLINS, CO 80527-2400

EXAMINER
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HEALY, BRIAN

ART UNIT	PAPER NUMBER
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2874

DATE MAILED: 06/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/712,877

Applicant(s)

SCHUMACHER, RICHARD A.

Examiner

Brian M. Healy

Art Unit

2874

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 and 22 is/are rejected.
- 7) ☒ Claim(s) 21 and 23 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 06082004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

### **ALLOWABLE SUBJECT MATTER.**

Claims 21 and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. None of the references of record teaches or suggests the anti-contention means for preventing the electrical port from attempting to drive an electrical signal when another electrical signal is present at the electrical port, as is stated in claim 21. Also, none of the references of record teaches or suggests a method utilizing a permitting means that presents a high impedance between an electrical port and one of an optical input port and an optical output port when an electrical signal is present between the electrical port and the other of the optical input/output port, as is stated in claim 23.

### **102 REJECTION**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-20 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Sizer, II et. al., U.S.P. No.5,416,872.

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Sizer, II et. al., 416' teaches (Figs.1-11B) an electro-optical connector comprising: an electrical port 1102,1103 (Note the electrical port includes a plurality of ports which can propagate a plurality of different electrical signals representing different values) configured to communicate at least first and second electrical signals into and out of the electro-optical connector and an optical output/input port 1112 (Note that this can be either an optical transmitter and optical receiver) in electrical communications with the electrical port configured to electrical to optical signals and viseversa representing a plurality of values, a plurality of optical fibers 1120 routed to the optical output/input ports and logic signal processing means 1023,1022 to permit communications between the selected electrical ports and selected optical input/output ports, which clearly, fully meets Applicant's claimed limitations.

Any inquiry concerning the merits of this communication should be directed to Examiner Brian M. Healy, at telephone number (571) 272-2347. The Examiner's normal work schedule is Tuesday through Friday, 6:30 AM to 5:00 PM. Any inquiry of a general or clerical nature (i.e. a request for a missing form or paper, etc.) should be directed to the Technology Center 2800 receptionist at telephone number (703) 308-0956, to the technical support staff supervisor (Team 2) at telephone number (703) 308-3072, or to

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the Technology Center 2800 Customer Service Office at telephone number (703) 306-3329.


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wadsworth et. al., U.S.P. No.5,606,671 (Figs.1-24(b)), Choy et. al., U.S.P. No.5,789,944 (Figs. 1-10), Curzio, U.S.P. No. 5,611,013 (Figs.1-13C), McGinley et. al., U.S.P. No.5,528,408 (Figs.1-7) and Caserta et. al., U.S.P. No.4,465,333 (Figs.1-4).

**BRIAN M. HEALY**

**PRIMARY EXAMINER**

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All of the prior art documents submitted by applicant in the Information Disclosure Statement filed on 11/12/2003, have been considered and made of record. Note the attached initialed copy of form PTO-1449.

  
Brian Healy  
Primary Examiner